

## **REMARKS**

In this communication, Applicants have amended Claims 10-12 and 15. No new matter is introduced. Claims 10-17 are pending and Claims 1-10 are withdrawn. Allowance of all pending claims is respectfully requested.

In the Office Action of February 8, 2005, the Examiner set forth a number of grounds for objection and rejection. These grounds are addressed individually and in detail below.

### **Rejection under 35 U.S.C. § 101**

Claims 11, 12 and 15 stand rejected under 35 U.S.C. § 101 for reasons stated on page 2 of the Office Action. Specifically, the Examiner alleges that the claims are directed to neither a “process” nor a “machine.” Applicant has amended Claims 11, 12 and 15 to obviate the ground of rejection. Withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

### **Rejection under 35 U.S.C. § 112**

Claims 11, 12 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reasons stated on pages 2-3 of the Office Action. Applicant has amended Claims 11, 12 and 15 as suggested by the Examiner to obviate the ground of rejection. Withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

### **Rejections under 35 U.S.C. § 102**

Claims 10-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,872,998 to Dausman, et al. (hereinafter “Dausman”) for reasons stated on pages 3-4 of the Office Action. Applicants respectfully traverse the rejection.

For anticipation under 35 U.S.C. §102, the reference “must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.” (MPEP §706.02). “ A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent Claim 10, as amended, is directed to a poultry litter fertilizer manufacturing system, comprising: a raw material ventilation system comprising a **filter** and a scrubber for treating air by removing dust and odor produced from a raw material from the air prior to drying said raw material; a dryer system, connected to said ventilation system to receive said ventilated raw material for pasteurizing said raw material comprising poultry litter, drying the pasteurized material to form a dried material, and reducing the dried material to a powder, said dryer system being structurally ordered in said manufacturing system so as to receive said raw material after said raw material is treated by said raw material ventilation system; and a pelleting system for producing granular and homogenized pellets from the powder.

Dausman generally describes an automated, non-polluting process and apparatus for mechanically dewatering and heat drying liquid sewage sludge to form a pelletizable, dried sludge. During advance of the sludge through a dryer, all gases and particles entrained in gases driven off of the sludge are captured and advanced to a cyclone separator 13 from which the gas is further advanced to a water jet scrubber 14 for exhaust to atmosphere.

Dausman, however, does not teach or suggest using ventilation system having both a filter and a scrubber. In fact, since Dausman teaches using a cyclone 13 to remove air borne dust in the gas to be treated by the water jet scrubber 14, there is no need to include a filter in

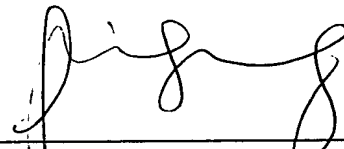
the gas treatment system. Accordingly, Applicant respectfully submits that Dausman does not anticipate Claim 10 of the present invention. Applicant further submits that Claims 11-17 are patentable over Dausman because they depend from Claim 10 and define additional patentable subject matter. Withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

### CONCLUSION

In light of the above, Applicants believe that this application is now in condition for allowance and therefore requests favorable consideration. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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